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Remarks

Applicant gratefully acknowledges the indication of allowable subject matter in claims 14-19.

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g. see :Send INAP operations in Pass Along Message section), and drawings (e.g., FIGS. 2-3). Claims 1-20 are pending.

Claim Rejection - 35 U.S.C 112, second paragraph:

Claim 14 was rejected under 35 U.S.C. 112, second paragraph, for failure to define specified abbreviations. Claim 14 has been amended to define these abbreviations, and hence is believed to be in condition for allowance. Dependent claims 15-19 were rejected merely because of dependency on claim 14, and hence these claims should now be in condition for allowance.

Claim Rejection - 35 U.S.C. 102 and/or 103:

Claims 1-2 and 6-13 are rejected under 35 U.S.C. §102 as being anticipated by Casile (U. S. Patent No. 6,769,025). Claim 1 has been amended to include subject matter with similarities to that found in previously pending claims 3 and 4. Since claims 3-5 were rejected under 35 U.S.C. 103 as being on patentable over Casile in view of Park (U.S. Patent No. 5,386,412), currently pending claim 1 should now be considered in light of these two references.

MPEP §706.02(j) states: "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest

all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §2143.01 states: "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved, as a whole would have suggested to those of ordinary skill in the art. In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Applicants respectfully submit that the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the applied references is proper, does not teach or suggest one or more elements of the claimed invention, as further discussed below. Applicant respectfully traverses the rejections and seeks withdrawal of the rejections resulting in allowance of the application.

Claim 1 now defines the pass along message as including a first part of a fixed length and a second part of variable length, with the first part defining a type of message of the second part. In the Office Action, Park was cited for teaching the format of the pass along message. It was stated that Park teaches a format of the pass along message as including a fixed message type of one byte in length; citing figure 9, items 112, 114 and 116. Applicant respectfully traverses this interpretation.

Figure 9 of Park is described as being "an illustration of the three bytes of the frame check sequence field"; see Brief Description of the Drawings section. Figure 9 is discussed at column 9, lines 42- 66, in Park. It is explained that the first, second and third bytes 112, 114 and 116 together are used to transmit a 16-bit frame check sequence. That is, these three bytes may comprise a CRC that comprises a checksum that can be utilized to verify the correct receipt of

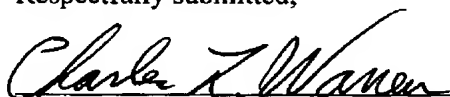
transmitted data. It is believed to be well-known to those skilled in the art that such a described frame check sequence field does not function to define a type of data with which it is associated. The frame check sequence field merely serves to validate that the associated data has been correctly received. Thus, even considering the combination of Park and Casile, claim 1 is not rendered obvious.

Additionally, one of ordinary skill in the art would not be led to consider the combination of the teachings of Park with Casile. Casile is directed to intranetwork communications within the telecommunication system. This should be contrasted with the teachings of Park which are directed to providing a communication protocol so that a computer terminal 56 can communicate over a single, asynchronous, data communication link 58 with telecommunication system 40. That is, Park addresses communications between the telecommunication system and customer premises equipment, e.g. information support terminal 56. It is well-known that substantial differences exist between communications between elements within the telecommunication system and communications between the telecommunication system and an end-user device served by the telecommunication system. The substantial differences include, but are not limited to, bandwidth differences, traffic control limitations, access/lack of access to routing information, access/lack of access to SS7, limitations/flexibility of available communication protocols, etc. Because of these differences those skilled in the art encounter substantially different problems and potential solutions when faced with communications difficulties arising within the telecommunication system as opposed to difficulties arising between the telecommunication system and end-user devices. Thus, one of ordinary skill the art would not be led to consider the combination of the teachings of Park with Casile as relied upon in the Office Action.

Claim 3 defines the first part of the pass along message as being one byte in length. It was acknowledged in the Office Action that Casile did not provide such a teaching. Park, as explained above, was relied upon to provide this teaching. However, figure 9 of Park and its accompanying text is incorrectly relied upon to provide this teaching. The field shown in figure 9 is a three byte CRC checksum, not a single byte used to define a type of message. Thus, claim 3 is not obvious in view of the applied references.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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